

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UDODIRI CLEMENT EZE,**

**Plaintiff,**

**v.**

**1:12-cv-4058-WSD-AJB**

**PUBLIX SUPERMARKET, INC.,**

**Defendant.**

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**ORDER**

This matter is before the Court on Magistrate Judge Alan J. Baverman's Non-Final Report and Recommendation [13] ("R&R") on Defendant's Motion to Dismiss Plaintiff's Amended Complaint [4] ("Motion to Dismiss").

On November 20, 2012, Plaintiff Udodiri Clement Eze ("Plaintiff"), proceeding *pro se*, filed her Complaint [1], alleging employment discrimination, against Defendant Publix Supermarket, Inc. ("Defendant"). On December 20, 2012, Plaintiff filed her First Amended Complaint [3]. On January 10, 2013, Defendant filed its Motion to Dismiss on the ground that the First Amended Complaint failed to state a claim upon which relief can be granted.

On February 22, 2013, counsel appeared for Plaintiff, and on February 24, 2013, Plaintiff, by counsel, moved for leave to file a second amended complaint.

On March 18, 2013, Magistrate Judge Baverman granted Plaintiff's motion, and Plaintiff's Second Amended Complaint [16] was docketed. On March 18, 2013, Judge Baverman also issued his R&R recommending that the Motion to Dismiss be denied as moot because of the filing of the Second Amended Complaint. Neither party filed objections, or otherwise responded, to the R&R.

The Court does not find error in the R&R's recommendation. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam) (noting that the district court reviews only for plain error a report and recommendation to which no objection is made). Because Plaintiff filed her Second Amended Complaint, Defendant's Motion to Dismiss the First Amended Complaint is moot. See, e.g., Sheppard v. Bank of Am., NA, No. 1:11-CV-4472-TWT, 2012 WL 3779106, at \*4 (N.D. Ga. Aug. 29, 2012). Accordingly,

**IT IS HEREBY ORDERED** that Magistrate Judge Alan J. Baverman's Non-Final Report and Recommendation [13] is **ADOPTED**. Defendant's Motion to Dismiss Plaintiff's Amended Complaint [4] is **DENIED AS MOOT**.

**SO ORDERED** this 8th day of April, 2013.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE